

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

JOYCE RAE FENDALL WILKINSON, as Personal)	
Representative and Administratrix of the ESTATE of)	
PAUL THOMAS WILKINSON, II,)	Case No. C-1-01288
)	
Plaintiffs,)	Judge Beckwith
)	Magistrate Black
vs.)	
)	
KATHRYN JEAN FAULEY, M.D.; MARY A.)	
HANEBERG MERLING, M.D.; and CLINTON)	
MEMORIAL HOSPITAL,)	
)	
Defendants.)	
)	
)	

PLAINTIFF'S STATEMENT OF FACTS

COMES NOW plaintiff and submits the following Statement of Facts to be read preliminarily to the jury panel:

Plaintiff's Statement of Facts

On August 20, 1994, at approximately 10:20 a.m., after starting labor with her second child, Joyce Wilkinson went to Clinton Memorial Hospital. Dr. Fauley was Joyce Wilkinson's obstetrician. At 3:02 p.m., Dr. Fauley ordered an emergency cesarean section. Defendant Merling, a pediatrician, arrived in the delivery room about 10 to 15 minutes prior to the baby's birth. At 3:28 p.m., the minor plaintiff, Paul Thomas Wilkinson, II, was born. At birth, Paul's heart was not beating. Paul also was not breathing. He was floppy and blue. Paul was immediately handed to Defendant Merling, Dr. Merling was the physician who gave orders to the nursing staff about Paul's care.

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Dr. Merling knew Paul needed resuscitation or a Code Blue. For twelve minutes after Paul's birth, he did not get enough oxygen. At 3:40 p.m., Dr. Merling finally intubated or put a breathing tube into Paul's lungs. This delay contributed to Paul's injuries.

Shortly after Paul's birth Dr. Merling ordered epinephrine, a drug to "jump start" Paul's heart. Dr. Merling ordered the epinephrine to be given into Paul's muscle instead of into a vein or into his breathing tube. By giving the drug into the baby's muscles, it did not work and there was a delay in getting the baby's heart to start pumping. The delay in getting the Paul's heart to start pumping contributed to his injuries.

Because of the lack of oxygen, Paul was brain damaged, had seizures, and had other serious and irreversible injuries. He lived with a feeding tube and a breathing tube. He could not walk, crawl or even sit up without support. He needed constant care. All of this was due to the lack of oxygen to his brain.

On January 4, 2004, at nine years of age, Paul died from these birth injuries.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of October, 2004, I presented the foregoing to the clerk of the court for filing and uploading to the CM/ECF system which will send a notice of electronic filing to the following:

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